

GOVERNMENT OF THE DISTRICT OF COLUMBIA
BOARD OF ZONING ADJUSTMENT



Application No. 13570, of Herbert Gibson, pursuant to Paragraph 8207.11 of the Zoning Regulations, for variances from the use provisions (Section 3102) the lot area and width requirements (Sub-section 3301.1) and the side yard requirements (Sub-section 3305.1) for a proposed subdivision and new residential development consisting of two semi-detached and four row dwellings in an R-2 District at the premises 543-553 - 49th Place, N.E., (Square 5181, Lots 12-16).

HEARING DATE: September 30, 1981

DECISION DATE: September 30, 1981 (Bench Decision)

ORDER

1. The subject application was scheduled for public hearing on September 30, 1981. Prior to the hearing, no affidavit had been filed in the record attesting to the fact that notice of the public hearing had been posted on the property at least ten days in advance of the date set for the hearing. The posting of the property and the filing of an affidavit are both required by Section 3.33 of the Supplemental Rules of Practice and Procedure before the Board of Zoning Adjustment.

2. At the public hearing, the applicant and his architect appeared before the Board. They advised the Board that the property had not been posted because they no longer intended to proceed with the proposed development. They requested permission to withdraw the application.

3. There were numerous persons in opposition present at the hearing, who were in attendance as a result of the public notice circulated by the Board. No person objected to the applicant's request to withdraw.

4. The Board notes that the applicant clearly knew at least ten days in advance of the hearing that he was not going to proceed with the application. Yet no notice of that fact was given to the Board or to the affected neighborhood. The Board admonishes the applicant, his architect and all other persons who may be in similar situations, to properly advise the Board of an intention not to proceed so that the time of the Board and all other affected persons will not be wasted.

It is therefore hereby ORDERED that the application is
DISMISSED.

VOTE: 4-0 (Walter B. Lewis, Douglas J. Patton, Connie Fortune and
William F. McIntosh to DISMISS; Charles R. Norris not
voting, having recused himself).

BY ORDER OF THE D.C. BOARD OF ZONING ADJUSTMENT

ATTESTED BY: Steven E. Sher
STEVEN E. SHER
Executive Director

FINAL DATE OF ORDER: 15 OCT 1981

UNDER SUB-SECTION 8204.3 OF THE ZONING REGULATIONS "NO DECISION OR
ORDER OF THE BOARD SHALL TAKE EFFECT UNTIL TEN DAYS AFTER
HAVING BECOME FINAL PURSUANT TO THE SUPPLEMENTAL RULES OF PRACTICE
AND PROCEDURE BEFORE THE BOARD OF ZONING ADJUSTMENT."